

1           **ROGER T. NUTTALL #42500**  
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3           **NUTTALL & COLEMAN**

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8           ATTORNEYS FOR Plaintiff,  
9           ZELLA MAYE FREEMAN

10                           **UNITED STATES DISTRICT COURT**  
11                           **EASTERN DISTRICT OF CALIFORNIA**

12                           \* \* \* \* \*

13           ZELLA MAYE FREEMAN,

14                           Plaintiff,

15                           vs.

16           CITY OF FRESNO, R. GARRISON  
17           (F.P.D. Badge No. 780), MARK  
18           A. YEE (F.P.D. Badge No. 692),  
19           J. CAPRIOLA (F.S.O. Badge No.  
20           7622), I. BARRIMOND (F.S.O.  
21           Badge No. 1153), J. HOLLINS  
22           (F.S.O. Badge No. 2346), R.  
23           PEREZ (F.S.O. Badge No. 6169),  
24           A. SIMONSON (F.S.O. Badge No.  
25           9364), Inclusive,

26                           Defendants.

Case No.: 05-CV-00328 OWW SMS

**STIPULATION TO CONTINUE TRIAL  
AND ORDER**

27           **IT IS HEREBY STIPULATED**, by and between the parties through  
28           their respective counsel, that the Jury Trial of this matter,  
29           currently set for Tuesday, April 10, 2007, at 9:00 a.m., shall be  
30           continued to Tuesday, October 9, 2007, at 9:00 a.m., in Courtroom  
31           of the Honorable Oliver W. Wanger; and that all pre-trial motion  
32           hearings and conferences shall be continued accordingly.

33           //

1 This continuance is requested by Plaintiff's counsel, Roger  
2 Nuttall, due to a calendar conflict created by Counsel's current  
3 participation in the multiple-defendant trial of The People v.  
4 Elaine Bernard, et al., case number F01590472-4, Department 33,  
5 Superior Court of California, County of Fresno, before the  
6 Honorable W. Kent Hamlin. This trial is expected to continue  
7 through the month of April, and into the month of May. Counsel  
8 for both parties have discussed this matter and neither party  
9 objects to this continuance.

10 DATED: March \_\_\_\_\_, 2007.

11 NUTTALL & COLEMAN

12  
13  
14 By: \_\_\_\_\_  
15 WESLEY E. STUPAR  
16 Attorneys for Plaintiff,  
17 ZELLA MAYE FREEMAN

18 DATED: March 15, 2007.

19  
20  
21 WEAKLEY, RATLIFF, ARENDT &  
22 MCGUIRE

23 By: /s/Erica M. Camarena

24  
25 ERICA M. CAMARENA  
26 Attorneys for Defendants

27 \* \* \* \* \*

28 O R D E R

GOOD CAUSE APPEARING TO THE COURT, IT IS HEREBY ORDERED that  
the trial in this matter, currently set for April 10, 2007, be  
continued to October 9, 2007, at 9:00 a.m. IT IS FURTHER ORDERED

1 that the following pre-trial motion hearings and conferences be  
2 continued as follows:

3 Last Day to File

Response to Motions in Limine: September 14, 2007;

4 Designation of Deposition

5 Testimony: September 17, 2007;

6 Last Day to Meet and Confer

7 Regarding Jury Instructions: September 25, 2007;

8 Exhibit Marking Conference:

September 27, 2007, at 10:00  
a.m., at the Law Offices of  
WEAKLEY, RATLIFF, ARENDT &  
McGUIRE;

9 Hearing on Motions in Limine:

September 28, 2007, at 12:00  
noon;

10 Last Day to Request Use

11 Of Laptop Computer for  
12 Presentation of Evidence:

October 2, 2007;

13 Trial Brief Due:

October 4, 2007;

14 Last Day to File Joint

15 Neutral Statement; and

16 Deliver Exhibits and

Witness List to the Court:

October 5, 2007;

17 Last Day to deliver

18 Verdict Forms, Proposed

Jury Voir Dire, and Jury

19 Instructions to the Court:

October 8, 2007.

20 The Hearing on Defendants' Motion for Reconsideration will  
21 remain on calendar, as currently set, for March 26, 2007, at  
22 10:00 a.m.

23 NO FURTHER CONTINUANCES. IT IS SO ORDERED.

24 Dated: March 16, 2007

emm0d6

/s/ Oliver W. Wanger

UNITED STATES DISTRICT JUDGE